

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>Monica P. Ways</b>	:	<b>Case No. 1:12-cv-00450-WOB</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs</b>	:	<b>DEFENDANT MIAMI UNIVERSITY'S</b>
	:	<b>MOTION TO DISMISS</b>
<b>Miami University</b>	:	
	:	
<b>Defendant.</b>	:	

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Miami University ("Defendant" or "Miami"), hereby moves the Court for a dismissal of Plaintiff's Complaint as it fails to state a claim against Defendant upon which relief can be granted. Specifically, Plaintiff has failed to sufficiently plead and actionable claims against Defendant in accordance with the requirements of *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009).

The attached Memorandum in Support, which explains in full the grounds for Defendant's motion, is incorporated herein by reference.

Respectfully submitted,

s/ Fred Pressley

Fred Pressley (0023090)

Sara H. Jodka (0076289)

Lisa Whittaker (0082142)

Porter, Wright, Morris & Arthur, LLP

41 South High Street – Suite 3100

Columbus, OH 43215

614/227-2060

614/227-2100 (Fax)

[fpressley@porterwright.com](mailto:fpressley@porterwright.com)

[sjodka@porterwright.com](mailto:sjodka@porterwright.com)

[lwhittaker@porterwright.com](mailto:lwhittaker@porterwright.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of August, 2012, I filed the foregoing electronically through the Court's ECF system pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule 5.2(b) and a copy is available to all registered users, including the following:

Marc D. Mezibov, Esq.  
The Law Office of Marc Mezibov  
401 East Court Street, Suite 600  
Cincinnati, OH 45202

Charles H. Peckham, Esq.  
Peckham, PLLC  
Two Bering Park  
800 Dering Drive, Suite 220  
Houston, TX 77057

Willie E. Gary, Esq.  
Sekou Gary, Esq.  
Gary, Williams, Finney, Lewis, Watson & Sperando, PL  
Waterside Professional Building  
221 East Ocoola Street  
Stuart, FL 34994

*Attorneys for Plaintiff, Monica P. Ways*

s/ Fred Pressley  
\_\_\_\_\_  
*One of the Attorneys for Defendant  
Miami University*